

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

RICHARD GARZA,

Defendants.

4:22CR3034

ORDER

During the conference call held today, Defendant moved to continue the trial currently scheduled to begin on Monday, April 24, 2023, because Defendant now faces additional charges of witness tampering and he needs additional time to prepare for a trial that includes those new charges. (Filing No. 74). After conferring with counsel, and with their consent,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 74), is granted.
- 2) The trial of this case is set to commence before John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on August 14, 2023, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 3) If not already served, the government's expert witness disclosures as required under Rule 16 must be served on or before July 14, 2023, with any defense Rule 16 expert disclosures served on or before July 28, 2023, and any rebuttal opinions disclosed on or before August 4, 2023.
- 4) The time between April 19, 2023 and August 14, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the parties require

additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 19, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge